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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,712	07/03/2003	Yoshifumi Kato	5000-5112	5007
27123	7590	07/05/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			VU, PHU	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/613,712	KATO, YOSHIFUMI ET AL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phu Vu	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 April 2006.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 8-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-4 and 8-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4, 8-12, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uehara 4772885 in view of Saitto 5382477 and further in view of Ueda 20010003601.**

**Regarding claims 1, 8 and 12,** Uehara teaches a substrate (fig. 1 element 49'), a light-emitting element (43) located on the substrate, wherein the light emitting element has first and second surfaces, wherein the first and second surfaces are on opposite sides of the light-emitting unit, and wherein the light emitting element contains an electroluminescent material and has red, blue and green light emitting layers (43a, 43b, 43c), a first electrode (45) located on the first surface, wherein the first electrode is of the light transmittance type (ITO see column 4 line 5), a second electrode (47) located on the second surface, wherein, when a voltage is applied across the first electrode and second electrode, the entire light-emitting element emits light and a light-outputting

surface is outputted toward the display unit; Uehara fails to disclose the electroluminescent material being organic however does not disclose the material as being an inorganic material either. Saito teaches organic electroluminescent materials have lower driving voltages compared to the inorganic type and also has the advantage of luminous color in display application (column 1 lines 25-40). Saito and Uehara omits forming a passivation layer over the first electrode that covers it, however Ueda teaches forming a passivation layer of thickness less than the substrate covering an entire first electrode (see fig. 1) of silicon dioxide to reduce deterioration caused by impurities [0054] and guard the organic layer against moisture [0082]. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to apply organic material to reduce driving voltages of the device also add a passivation layer over a first electrode to reduce deterioration caused by the manufacturing and a further guard the organic electroluminescent layer against moisture. Placing the passivation layer over the top (first electrode) will result in the passivation layer having a light emitting surface. Further regarding claim 8, Uehara teaches a display unit located on the backlighting unit/light outputting surface, wherein the display unit displays an image using white light outputted from the outputting surface (see fig. 1 element 35).

**Regarding claims 2 and 11,** Uehara teaches the light emitting element is formed as a sheet (see element 43).

**Regarding claims 3-4 and 14-15,** Uehara teaches a reflecting portion wherein the reflecting portion faces the second surface, and reflects light that reaches the

reflecting portion and the second electrode functioning as the reflecting portion (see column 6 lines 6-22).

**Regarding claim 9,** Uehara teaches the display unit includes a plurality of LC elements (see element 35).

**Regarding claim 10,** Uehara teaches the display being a transmissive display (see fig. 1 element 35).

**Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uehara 4772885 in view of Saitto 5382477 and further in view of Ueda 20010003601 and further in view of Leibowitz 4500173.**

**Regarding claim 13,** the references teaches all the limitations of claim 13 except the passivation layer in intimate contact with the display. Uehara when combined with Saitto and Ueda teaches an additional substrate (49) which prevents intimate contact between the passivation film and display unit. Leibowitz teaches a display with electroluminescent backlight wherein the electroluminescent backlight elements are formed on the lower display substrate (18) and thus do not require the added costs, weight and size of an additional substrate. Therefore, it would have been obvious to one of ordinary skill in the art omit the substrate to reduce size, weight, and costs associated with manufacturing the display.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu Vu whose telephone number is (571)-272-1562. The examiner can normally be reached on 8AM-5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571)-272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2871

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phu Vu  
Examiner  
AU 2871



ANDREW SCHECHTER  
PRIMARY EXAMINER